

REMARKS

1. Claim 1-12 are pending in the application. Claims 13-20 have been withdrawn from consideration. Applicant is grateful for the indication that claims 1-6 and 10-12 are allowable. In view of the foregoing amendments and following remarks, Applicant requests reexamination of the application.

2. Claim Rejections Under §112. Claims 7-9 stand rejected under 35 USC 112, both first and second paragraphs. In response, Applicant has amended the claims to remove the reference to "insoluble" and replace it with a limitation to the phosphate based on mesh size. In claim 9, Applicant has amended the claim to recite a range of mesh sizes. Support for the claimed mesh sizes is found in the specification at Page 9, line 3. Applicant therefore respectfully requests that these rejections be withdrawn.

3. Rejection under §103a. Claim 7 stands rejected over Casolo (U.S. Patent 3,985,648) in view of Hong (U.S. Patent 5,665,240). Applicant respectfully traverses this rejection. Independent Claim 7 has been amended to recite a second trap which adsorbs organic materials and metals from the wastewater, wherein the second trap at least partially comprises a phosphate having a particle size of 4 to 34 mesh. Support for this amendment is found in the Specification at Page 9, lines 2-7, and page 10, lines 6-14. Casolo does not disclose a phosphate used a trap for organic materials. Hong is not an industrial wastewater apparatus; rather it is a design for point of use removal of lead and other metals from drinking water.

Hong discloses the use of a "slightly soluble" phosphate in solution for precipitation of lead from drinking water, but not a large particle phosphate (of mesh size 4 to 34) which adsorbs metals. Hong actually teaches away from adsorbtion of metals (See Column 1, lines 58-67 and Column 2, lines 1-16). The "slightly soluble" phosphate is formed in solution of Hong from fine powders and would be rapidly consumed in an industrial wastewater treatment device such as recited in amended claim 7. Amended Claim 7 distinguishes over Casolo in view of Hong by reciting large size phosphate particles which adsorb metals. Applicant therefore respectfully requests that this rejection be withdrawn.

4. Rejection under §103a. Claims 8 and 9 stand rejected over Casolo (U.S. Patent 3,985,648) and Hong, and further in view of Szczepanik (U.S. Patent 4,902,427). Applicant respectfully traverses this rejection. Claim 8 has been amended to be placed in independent form and recites additional features not taught or suggested in Casolo or Hong. Claim 8 recites the use of chambers to hold the metals trap and the phosphate, the use of controllers, valves and drains. The controller can be set to a diagnostic/service mode where each chamber can be isolated from the flow of wastewater and the corresponding drain can be opened, permitting flow through the drain. This combination of elements is not taught or suggested in either Casolo or Hong. Szczepanik discloses another drinking water filter technology, like Hong. Nothing in Szczepanik teaches or suggests the combination of elements recited in claim 8. Applicant therefore respectfully requests that the rejection be withdrawn.

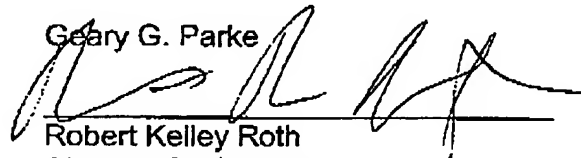
Claim 9, as amended, has been made independent. Claim 9 has been amended to recite an oxidizer incorporated as part of at least one of the metals trap and the second trap. This combination of features is not taught or suggested by Casolo in view of Hong, and nothing in Szczepanik teaches or suggests this combination of elements. Szczepanik, like Hong, is directed to drinking water filtration technology, instead of industrial wastewater treatment technology. Applicant therefore respectfully requests that the rejection be withdrawn and the claims be allowed.

CONCLUSION

The additional citations made of record and not relied upon by the Examiner have been considered by the Applicant. None is seen, either alone or in combination, to teach or suggest the claims of the present invention. In view of the foregoing amendments and remarks, Applicant requests withdrawal of the rejection of the claims and allowance of the application.

Respectfully Submitted,

Geary G. Parke



Robert Kelley Roth
Attorney for Applicants
Miller, Canfield, Paddock and Stone
150 W. Jefferson, Suite 2500
Detroit, MI 48226
313-496-7568
313-496-8454 (fax)
roth@millercanfield.com

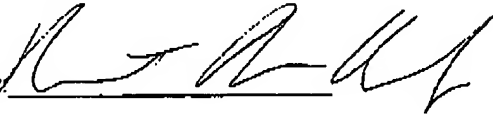
CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being sent via facsimile on February 9, 2006 to 571-273-8300 to the Assistant Commissioner of Patents, Washington, DC 20231.

2-09-06

Date of Signature

By

A handwritten signature in black ink, appearing to be "R. J. Miller", written over a horizontal line.

DELJIB:2702552.1\107725-00006